

REMARKS

In response to the Office Action dated January 7, 2009, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 18 and 19 have been canceled to expedite prosecution. Such cancellation shall not be construed as acquiescence in any rejections.

Claims 1-3, 5 and 17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bi. Claims 4, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bi in view of Zhou. As elements from claims 18 and 19 have been incorporated into claim 1, patentability is discussed with respect to Bi in view of Zhou. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “wherein said content is associated with a content profile and said consumer network is associated with a consumer profile, said content being distributed to said consumer network in response to said content profile and said consumer profile; said consumer network includes a device for displaying said content, said content being distributed to said consumer network in response to said content profile, said consumer profile and a device profile associated with a consumer viewing device; and the content distribution system manages an intersection of said content profile, said consumer profile and said device profile.”

In applying the references to claim 19, the Examiner states that Bi teaches “said content being distributed to said consumer network in response to said content profile, said consumer profile and said device profile” and cites to television 106 in Bi. It is not clear how the television in Bi works with the various profiles of claim 1, and particularly how the television of Bi manages an intersection of said content profile, said consumer profile and said device profile as recited in claim 1. Thus, even if Bi and Zhou are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Bi in view of Zhou. Claims 3-5, 17 and 20 variously depend from claim 1 and are patentable over Zhou for at least the reasons advanced with reference to claim 1.

Claims 6-16 were rejected under 35 U.S.C. § 103 as being unpatentable over Bi in view of Kenner¹. This rejection is traversed for the following reasons.

Kenner was relied upon for disclosing various content delivery options, but fails to cure the deficiencies of Bi in view of Zhou discussed above with reference to claim 1. Kenner teaches a variety of network elements, but makes no reference to the content profile, customer profile and device profile of claim 1. Claims 6-16 depend from claim 1 and are patentable over Bi in view of Zhou and Kenner for at least the reasons advanced with reference to claim 1

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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¹ It is believed this rejection was intended to be based on Bi in view of Zhou and Kenner, as claims 6-16 depend upon claim 1.